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JAMES BONIN
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

2004 JAN -5 PM 1:28

U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

DAVID BILLUPS,
PLAINTIFF,

-vs-

CASE NO. C-1-01-377
JUDGE SPIEGEL
MAGISTRATE JUDGE HOGAN

JAMES McWEENEY, ET AL.,
DEFENDANTS. /

PLAINTIFF'S MOTION TO SUPPLEMENT THE COMPLAINT
PURSUANT TO DEFENDANTS' NEWLY RAISED ISSUES
TO INCLUDE JOHN OR JANE DOE AND FOR DISCOVERY

Plaintiff, David Billups, moves this Court to Supplement the Complaint pursuant to Rule 15 and 19 of the Federal Rules of Civil Procedure to add Defendant John or Jane Doe and for Discovery into the identity of John or Jane Doe and for Discovery pursuant to Rule 26 Fed.R.Civ.P. on this issue for the following reasons:

POINT I

On 11.24.03 Defendants filed Defendant Audrey Young's Supplementary Objection To The Magistrate's Report And Recommendation (hereinafter Supplementary Objection). In this Supplementary Objection, Defendants state for the first time in over two (2) years Defendant Young had no involvement in posting Plaintiff's cash slips.

Defendants state on page 2 of the Supplementary Objection:

1. It is the procedure of the Cashier's Office to process cash slips each Friday"(sic) Plaintiff requests a copy of this policy and procedure.
2. "If he had submitted the cash slip any time during the week that he returned to the institution, it

could have been processed on December 3rd and sent out that day."(sic)

3. On page 3, "Mr. Watts and another account clerk were responsible for most of the postings."(sic) Plaintiff would request Discovery to learn the identity of these account clerks and exactly whom received Plaintiff's legal mail and legal cash slips when they were received at the Cashier's Office on 12.3.99.

For the foregoing reasons, Plaintiff requests the Complaint be supplemented to add Defendant John or Jane Doe and for Discovery on this issue.

Respectfully Submitted,

/s/ David Billups
David Billups
P.O. Box 7010-211903
Chillicothe, Ohio 45601

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing has been served to Counsel for Defendants at: Marianne PPressman#0059512, 1600 Carew Tower, 441 Vine Street, Cincinnati, Ohio 45202 this 26th day of December 2003 by regular U.S. Mail.

/s/ David Billups
David Billups